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Letter dated 31 January 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Norway submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 27 January 2006 from the Permanent Representative of Norway to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

On instructions from my Government, I hereby have the honour of enclosing the fifth report to the Counter-Terrorism Committee (see enclosure).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested by the Committee.

(*Signed*) Johan L. **Løvald**
Ambassador
Permanent Representative

Enclosure

Fifth report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Introduction

This report is prepared in accordance with the questions contained in the letter of 21 October 2005 from the Chairman of the Counter-Terrorism Committee to the Permanent Representative of Norway to the United Nations.

1. Implementation measures

Anti-terrorist strategy

1.1

In the first report, Norway indicated on page 4 that an advisory group on anti-terrorism had been established under the auspices of the Ministry of Justice closely monitor international measures taken to combat terrorist acts. In the same report, Norway also indicated that an inter-ministerial working group had been created to further develop practical measures and enhance coordination between relevant national authorities and agencies in Norway in order to combat terrorism. Could Norway kindly update the Committee on the developments of the two above-mentioned groups and identify any good practices which can be synthesized from their work?

The establishment of the advisory group on anti-terrorism contributed to maintaining adequate exchange of information and coordination of national measures between relevant Norwegian authorities, as a direct response to the immediate international initiatives provoked by the terrorist attacks in the USA on 11 September 2001. Shortly afterwards, an inter-ministerial working group was set up, consisting of the members of the advisory group, the Ministry of Justice and the Police, the Ministry of Finance, the Ministry of Local Government (immigration issues) and the Ministry of Foreign Affairs.

For practical purposes the information sharing between different sectors of counter- terrorism took place in the more informal network of experts in the advisory group. However, there is reason to consider a strengthened, and more formal structure of, cooperation between the relevant ministries and institutions participating in the fight against international terrorism. The Ministry of Foreign Affairs is about to present a comprehensive strategy for its international contribution to the fight against international terrorism. One likely initiative is strengthened coordination and information sharing on international and national activities related to counter-terrorism between relevant ministries and institutions involved with counter-terrorism in the near future.

The Norwegian Government launched a Contact Group to Prevent Acts of Terrorism (Kontaktgruppen for forebygging av terrorhandlinger) in August 2005. This group consists of heads of both public authorities and private organizations in Norway, including industrial organizations specially exposed to terrorist actions. Headed by the Norwegian Police Security Service, the group's objective is to arrange for increased exchange of vital information and views on threats, vulnerabilities and preventive measures in relation to terrorism.

1.2

Pursuant to paragraph 3 (a) of the resolution, States should find ways of intensifying and accelerating the exchange of operational information related to terrorism. In this context, the Committee would like to obtain confirmation of whether Norway has formally established an operational relationship with the European Police Office (EUROPOL).

The Agreement between the Kingdom of Norway and the European Police Office (Europol) entered into force 24 December 2001. At the moment Norway has one police and one customs officer stationed at Europol in the Netherlands.

1.3

The Committee notes that, as indicated on page 8 of Norway's second report, an inter-agency government coordination unit for combating organized crime was established in October 2000. Please confirm whether Norway plans to create a similar inter-agency law enforcement unit with adequate counter-terrorism capacity.

The Government Coordination Unit for Combating Organized Crime (Rådet for samordnet bekjempelse av organisert kriminalitet (ROK)) has made considerable contributions to suppress organized crime in Norway by the police and the prosecution authorities. The unit coordinates responsibility between central and local police forces in cases requiring extensive investigation. As terrorism is closely connected to other forms of international organized crime, the effort by the Unit to monitor international criminal networks contributes to discover persons or groups connected to acts or to the financing of terrorism. Norway does not, however, intend to create a corresponding organizational model within the field of anti-terrorism. Most of the resources dedicated to the fight against terrorism are used for preventive purposes, and the prevention of terrorism is first and foremost the responsibility of The Norwegian Police Security Service.

However, The Norwegian Police Security Service has established a good working relationship with the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM) within the area of money laundering, and also with the immigration authorities concerning illegal immigration.

Protection of the economic and financial system

1.4

The Committee notes that according to Norway's third report (pp. 3-4), a working group set up by the Ministry of Finance has recommended that auditors, external accountants, tax advisors and real estate agents, as well as lawyers and other independent legal professionals representing clients in financial or real estate transaction, should be bound by the reporting requirements stipulated in the Financial Institutions Act. The Committee would be grateful for information on whether the recommendations of the working group have been implemented.

The recommendations of the working group have been followed up by a new Act of 20 June 2003 No 41 on measures to combat the laundering of proceeds of crime etc. (the Money Laundering Act). The Money Laundering Act lays down rules on customer identification and reporting requirements. This Act replaces reporting requirements in the Financial Institutions Act. The Money Laundering Act has the following scope of application:

"Section 4. Scope of Application

The Act applies to the following undertakings and legal persons:

1 *financial institutions,*
2 *Norges Bank (Central Bank of Norway),*
3 *e-money institutions,*
4 *persons and undertakings operating activities consisting of transfer of money or financial claims,*
5 *investment firms,*
6 *management companies for securities funds,*
7 *insurance companies,*
8 *pension funds,*
9 *postal operators in connection with provision of postal services,*
10 *securities registers,*
11 *other undertakings whose main activity is subject to items 2 to 12 and 14 of annex 1 to Directive 2000/12/EC relating to the taking up and pursuit of the business of credit institutions, including the provision of loans, stockbroking, payment transmission, financial leasing, advisory services and other services associated with financial transactions and letting of safe deposit boxes.*

The Act also applies to the following legal and natural persons in the exercise of their professions:

1 *state authorised and registered public accountants,*
2 *authorised external accountants,*
3 *real estate agents and housing associations that act as real estate agents,*
4 *insurance brokers,*
5 *project brokers,*
6 *currency brokers,*
7 *lawyers and other persons who provide independent legal assistance on a professional or regular basis when they assist or act on behalf of clients in planning or carrying out financial transactions or such transactions concerning real property or movable property as are referred to in item 8;*
8 *dealers in objects, including auctioneering firms, commission agents and the like, in connection with cash transactions of NOK 40 000 or more or a corresponding amount in foreign currency. This shall only apply to transactions involving payment cards when so provided in regulations laid down by the Ministry;*
9 *persons and undertakings that, in return for remuneration, offer services corresponding to those referred to in items 1 to 8."*

The Money Laundering Act also applies to persons and undertakings that perform services on behalf of or for entities with a reporting obligation. When a lawyer acts as manager of a bankrupt's estate, the provisions laid down in the Money Laundering Act sections 7, 8, 11, 16 and 17 shall apply. The Act provides for administrative regulations concerning the application of the Money Laundering Act to gaming activities, debt collection agencies and regulated markets.

1.5

The Committee appreciates receiving confirmation (on p. 3 of the fourth report) that the Anti-Money Laundering Unit of the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (ØKOKRIM) has sufficient resources to receive and analyze financial information that could prevent the financing of terrorism in Norway. Could Norway please provide further details on the organizational structure of the unit and the range and level of expertise represented on its staff? Furthermore, in light of the rapidly increasing number of cases reported to ØKOKRIM, please provide an update on the general efforts being made to adjust the capacity and efficiency of the unit. In particular, please comment on the planned use by ØKOKRIM of methods such as analytical software and the electronic reporting of suspicious transactions.

The Norwegian Financial Intelligence Unit (FIU) has per 1 January 2006 12 ½ positions, and is led by a district attorney. The other positions are occupied by one police attorney, two advisors, seven investigators and 1½ consultant positions. Four of the investigators have a background from the police, while three have economic education. One of the advisors has a legal background, and the other is an economist. Planned competence-building initiatives will contribute to a further strengthening of the FIU's professional level.

Last autumn the Parliament decided to increase ØKOKRIM's 2006 budget by NOK 6.2 million in order to strengthen the capacity of the FIU with 11 new positions. The recruitment process will start immediately.

The police attorney, in close cooperation with an experienced investigator, reviews all the incoming STRs (Suspicious Transaction Reports). This arrangement ensure a quick decision as to what priority each STR should be given, and what further initial investigations should be made. This routine gives the unit a possibility to utilize its resources efficiently. Designated investigators have extensive contact and cooperation with representatives from the Norwegian Police Security Service (PST) in order to reveal financing of terrorism.

Since September 2004 the FIU has worked to improve the existing – and developing a new – data system for receiving, assessing and communicating financial intelligence. The development work is organized as a project called ELMO (Elektronisk meldingsmottak og –behandling). The Norwegian Police Directorate has (as of November 2005) given the National Police Computing and Material Service (PDMT) the task of developing ELMO in cooperation with the FIU. The development and production of ELMO started 5 January 2006, and the specifications will be ready 1 January 2007.

ELMO is divided into three phases:

Phase 1 deals with the electronic receipt of STRs
Phase 2 deals with automated search, notification, analysis and assessment of STRs
Phase 3 deals with electronic communication with the institutions obliged to submitting reports, and with the police and other authorities.
The most important modules or functions of ELMO will be:

- Assessment module
- Advanced notification function

- Advanced search function
- Analysis module
- Report and statistics module
- Other support functions

In full scale, ELMO will improve the efficiency of the processing of STRs considerably. The cost estimate for ELMO is NOK 27 million. So far NOK 10 million has been granted to the project.

1.6

Pursuant to paragraph 1 (c) of the resolution, States should freeze without delay the funds of persons who commit terrorist acts. Please describe the procedures put in place by Norway to ensure that funds can, in practice, be frozen without delay. Please also outline the manner in which the guidelines for the freezing and unfreezing of funds have been conveyed to the private sector.

Under section 7 of the Money Laundering Act, reporting entities and professions are required to report suspicious transactions related to the Penal code, section 147 a and 147 b, cf. the second Norwegian report to CTC (2002), page 3. If a financial institution suspects that a transaction is linked to terrorism, it shall of its own motion forward any information that may indicate such an offence to the Money Laundering Unit at the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (ØKOKRIM). The financial institution is required, at the request of ØKOKRIM, to provide all necessary information concerning the possible offence. A customer or third party shall not be informed that such information has been forwarded.

The provisions concerning freezing are contained in the Criminal Procedure Act. Section 202 d requires the authorities to freeze any property belonging to the suspect, any entity owned by the suspect or over which he has control, or any person or entity that acts on behalf of, or at the direction of the suspect, or such entity as mentioned.

Accordingly, when a person is suspected with just cause of preparing or carrying out an act of terrorism or of financing terrorism, the police authorities shall freeze without undue delay any property belonging to the suspect or such persons or entities mentioned above. Decisions to freeze property are taken by the chief or the deputy chief of the Norwegian Police Security Service, or by a public prosecutor.

Freezing property means preventing anyone from having the property at his or her disposal, directly or indirectly, typically by blocking a bank account. The main purpose of freezing property is to prevent criminal offences. Temporarily freezing of all the property of a person is a means of preventing him from using the funds to carry out terrorist acts.

According to section 202 e, the prosecuting authority shall as soon as possible, and not later than seven days after it has made a decision pursuant to section 202 d, bring the case before the court of examination and summary jurisdiction, which will by order decide whether the decision shall be affirmed.

Before the court makes the order according to section 202 e, the suspect and other persons concerned in the case shall be notified and given an opportunity to express their views.

If it is strictly necessary with regard to the investigation, the court may decide that notice as specified in the first paragraph shall be omitted and the giving of information about the order deferred. In this case the court shall set a time limit for when information shall be given. The time limit shall not exceed four weeks, but may be extended by a court order by up to four weeks at a time. When the time limit expires, the suspect and other persons concerned in the case shall be informed of the order and that they may require the court to decide whether the freezing of assets shall be affirmed.

According to section 202 f, freezing shall be terminated without undue delay if the conditions for freezing the assets are no longer fulfilled. The freezing of assets shall at the latest cease when the case is decided by a final and binding judgement.

The Ministry of Foreign Affairs receives lists of designated persons and entities originating from other jurisdictions. The Ministry, in turn, distributes the lists to the relevant Norwegian Authorities. These lists are not automatically given effect to, but the Norwegian regime allows the examination and use of the information after an individual assessment of each case. The Norwegian FIU does, in its dialogue with the reporting entities, give some guidance as to how suspicions of terrorist financing should be examined and the content of the reporting requirement that lies with the private sector.

Specific guidelines for private sector entities regarding freezing and unfreezing of funds following resolution 1373 are not yet issued. Such guidelines will be elaborated in the course of 2006. This is also a priority issue following from the Financial Action Task Force Mutual Evaluation report on Norway from June 2005.

1.7

In the context of implementation of paragraph 1 (d) of the resolution, the Committee would appreciate it if Norway could share with it information pertaining to the requirements and procedures relating to the official registration of charitable organizations. In particular, the Committee would be interested in whether the Norwegian Police Security Service conducts background checks of the principal applicants and/or trustees of charitable organizations as part of the registration procedure. Have measures been taken to ensure that terrorist organizations cannot pose as legitimate charitable organizations and that funds/assets collected by or transferred through charitable organizations are not diverted to support the activities of terrorists or terrorist organisations?

Charitable organizations are subject to the rules on customer identification verification, section 5 of the Money Laundering Act, which states:

"Entities with a reporting obligation shall on establishment of a customer relationship request the customer to show valid proof of identity. This obligation also applies to employees of entities with a reporting obligation. Written proof of identity shall always be regarded as valid proof of identity.

As regards transactions involving NOK 100 000 or more concerning customers with whom the persons or undertakings obliged to report have no previously established customer relationship, proof of identity shall be requested as referred to in the first paragraph. The above threshold shall be

assessed collectively in respect of transactions carried out in several operations that appear to be associated with each other. If the transaction amount is not known when the transaction is carried out, identity verification shall be performed as soon as the entity with a reporting obligation becomes aware of the amount and that it exceeds the threshold.

The entity with a reporting obligation shall in all cases request proof of identity as referred to in the first paragraph if he or she suspects that the transaction is associated with the proceeds of crime or with offences covered by section 147a or section 147b of the Penal Code.

Identity verification shall be effected by personal appearance of the customer at the office of the entity with a reporting obligation. If personal appearance constitutes a major inconvenience for the customer or is not practicable, an exception may be made from this requirement provided that satisfactory identity verification can nevertheless take place.

The Ministry may in regulations lay down further rules concerning the carrying out of identity verification, what is regarded as valid proof of identity and exceptions from the obligation to request proof of identity and to perform identity verification."

The Money Laundering regulations, Section 6 - Requirement on identity documents etc (legal persons), decides:

"Legal persons registered in the Register of Business Enterprises shall produce a certificate of registration that does not date back more than three months.

Legal persons registered in the Central Coordinating Register for Legal Entities but not in the Register of Business Enterprises shall produce a transcript from the Central Coordinating Register for Legal Entities containing all registered data on the entity as mentioned in the Act on the Central Coordinating Register for Legal Entities section 5 and section 6 second paragraph that does not date back more than three months.

A legal person who is not registered in the Central Coordinating Register for Legal Entities but is registered in another public register shall produce documentary evidence of similar, uniquely identifying characteristics, details of the legal person's name (firm), the address of its place of business or head office and, if applicable, its foreign organisation number, and shall also state which public register, within or outside Norway, can verify the information given.

If it is clear or probable that the legal person is not registered in a public register, proof of identity shall be requested in accordance with the Money Laundering Act section 5 and data shall be recorded for a natural person on behalf of the legal person in accordance with the Money Laundering Act section 6."

The background for subparagraph 4 of section 6 of The Money Laundering Regulations is to be found in the FATF special recommendation VIII Non Profit Organizations, cf. Circular 9/2004 (Money

Laundering Circular) issued by the Financial Supervisory Authority. The Circular also makes reference to the FATF document "Combatting the Abuse of Non-Profit Organisations: International Best Practises."

There are approximately 9000 registered foundations in Norway. All foundations are required to register in a specific register of Foundations and the Central Coordinating register for Legal Entities according to the Act on Foundations (in force from 1 January 2005). The foundations are required to register comprehensive information concerning the entity, including names, addresses and a unique 11 digit personal number. A significant part of the foundations have charitable work as the main or an important part of their activities.

The Norwegian Police Security Service does not conduct background checks of the principal applicants of charitable organizations as a part of the registration procedure. Trusts are not a recognized legal concept under Norwegian law.

The Norwegian Gaming and Foundation Authority (Lotteritilsynet) supervises Norwegian Foundations and has the right to access all information necessary to perform its tasks under the law.

As part of the follow up of the FATF Mutual Evaluation Report on Norway of June 2005, a review of laws and regulations that relate to non-profit organizations that may be abused for the financing of terrorism will be conducted.

1.8

According to page 3 of the fourth report, introduction of the Money Laundering Act on 1 January 2004 eliminated the possibility of operating informal money transfer systems legally in Norway and thereby provided a more effective tool for halting the operation of informal funds transfer systems and prosecuting those responsible. How many money remittance/transfer services does Norway believe to exist (including formal and informal money/value transfer services), other than those that have registered or obtained licenses? What measures is Norway using to close down such operations?

No official numbers are available for the estimated existence of money remittance/value transfer services.

The Financial Intelligence Unit (FIU) annually receives suspicious transaction reports (STRs) concerning between 5 and 10 persons and/or companies possibly connected to unauthorised money remittance and transfer services.

Some of these STRs reveal that there may be transaction activity over extended time periods, sometimes for years, while other STRs indicate transaction activity only over a short period of time.

Typically, STRs report deposits from several persons into one single account. From this account the money is sent out of Norway. The persons undertaking the transactions are often persons with minority background, and the money is sent to Arabian, Asian and African countries. The turnover on the accounts may vary from tens of thousands to tens of millions of NOK. It may be assumed that at-

least parts of these funds is money that has been saved and collected, and is being sent as help to persons and organizations in the country where these people have their ethnic roots.

In the recent years the Norwegian police has investigated approximately ten such unauthorised money remittance/value transfer services ("Hawala banks"). Some of these cases are prosecuted and decided on by the courts, in accordance with the Currency Act (formerly) or the rules on foreign exchange in section 4a of the Act on Financial Activity and Financial Institutions (presently), which prohibits unauthorised money transfer activity.

Criminal proceedings

1.9

In order effectively to implement paragraph 2 (e) of the resolution, Norway has introduced a number of changes to the Criminal Procedure Act which, inter alia, limit access to information by a person charged with an offence. Please explain whether separate criminal procedures apply for Norwegian nationals and non-nationals. Has Norway introduced any other special counter-terrorism measures concerning criminal proceedings?

A Norwegian national and a non-national are in Norwegian law given equal status with respect to criminal procedures. The Criminal Procedure Act applies in general and there are no specific criminal proceedings regarding counter-terrorism measures.

1.10

To what extent can intelligence data be used in judicial proceedings?

As a main rule, any evidence, including intelligence data, may be presented as evidence before the court. However, the Criminal Procedure Act establishes some limits: According to section 117, the court may not receive evidence concerning anything that is being kept secret in the interests of national security (e.g. intelligence data) or relations with a foreign State unless the King so permits.

1.11

For how long a period can a terror suspect be held without being charged?

In the Criminal Procedure Act there is no specific limit for how long a terror suspect can be held without being charged. However, the Criminal Procedure Act does establish limits for how long a suspect can be held.

1.12

Pursuant to paragraph 2 (e) of the resolution, States should ensure that terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts. On page 8 of its second report, Norway indicated that it is considering the possibility of increasing the maximum period of imprisonment from 21 years to 30 years. Could Norway please update the Committee on any developments in this area?

The Ministry of Justice proposed in 2004 to increase the maximum period of imprisonment for terrorist acts from 21 years to 30 years. The Parliament endorsed this proposal with respect to serious terrorist offences. The Ministry of Justice is currently preparing a new Penal Code and will in this work propose a new provision in accordance with the view of the Parliament.

1.13

Norway states in its fourth report (p. 8) that the interim decision as to whether to introduce statutory amendments to allow the police to use new crime prevention methods was dependent on the outcome of comments, from a number of addressees, on a report compiled by a Government-appointed commission. The Committee would appreciate an outline of developments in this regard.

The Ministry of Justice submitted a bill for new crime prevention methods to the Parliament on 18 March 2005 (Ot.prp. nr. 60 (2004–2005)). After adoption by the Parliament, the Act received Royal Assent and entered into force 5 August 2005. Unfortunately we do not, for the time being, have an English translation of the Act.

The new Act establishes a legal basis for the police to use new methods in order to enhance the fight against e.g. organized crime and terrorism. The Act covers methods to investigate terrorist acts and to prevent such acts. The new crime prevention methods are established in section 17 d of the Act 4 August 1995 relating to the Police. According to this section, the court may make an order permitting the Norwegian Police Security Service (PST) to use intrusive measures, such as bugging, in order to investigate whether any person is preparing an act that is contrary to e.g. the Penal Code section 147 a (terrorist acts).

Customs Controls

1.14

Pursuant to paragraph 2 (g) of the resolution, States should establish effective customs, immigration and border controls. In this context, could Norway please outline its implementation of the World Custom Organization (WCO) common standards for electronic reporting and the promotion of supply chain security and of the international standards established in the revised WCO Kyoto Convention?

The Norwegian Customs authorities are committed to establish facilitated border crossing routines and other efficient customs procedures for the industry. In addition, a reasonable level of customs border control is of vast importance. It is our understanding that international recognized and harmonized customs procedures and mutual understanding, is the right way to work in the future. A close cooperation with the industry (industry outreach) is not only recommended, but essential to reach our common goal in securing legal transportation of goods across the borders. Norway is not yet a contracting party to the revised Kyoto Convention. The principles and international standards as pointed out in General Annex (standard 6) are however in accordance with the Norwegian customs legislation. In cooperation with Customs administrations in other countries, we seek to conclude mutual administrative agreements to enhance customs controls.

1.15

Is the inspection of cargo and persons handled by a single agency in Norway, or are these functions divided between two agencies: immigration and customs? In the latter case, do these agencies coordinate their activities and share information?

In Norway the inspection of cargo and persons is divided between two different agencies.

Cargo, shipments, in-checked baggage and persons *travelling with luggage and goods* are examined by the customs authorities. Immigration is handled by the Police. There is a close co-operation

between the two authorities. Meetings between Customs and Police are held on a regular basis for the purpose of information exchange and cooperation. These meetings take place both at ministerial and at expert levels.

1.16

Does your country's Customs Service perform risk-based cargo inspections? If so, please briefly describe the procedures followed and indicate whether you are willing to provide other countries with assistance in such matters.

The Norwegian Customs Authorities have implemented a high-risk management system specially designed to detect smuggling. Based on relevant information high-risk shipments could easily be fed into this system as intelligence or in order to identify and intercept such shipments. Single data elements, or data elements in combination, regarding the transport of the goods, would be required in order to identify suspicious shipments. The system is based on old technology and will be modernized.

1.17

Does Norway utilize an advanced passenger manifest program to scan inbound passengers against terrorist databases on international flights before they land?

Norwegian Customs does not utilize passenger manifest program.

Norway does not scan inbound passengers on international flights against terrorist databases before the passengers land. The Norwegian Police Security Service (PST) does not on a regular basis have access to databases containing passenger lists from the various aviation, shipping, and railway companies.

1.18

Is there an automated alert system for terror suspects? Who maintains the system and is it available to all border clearance personnel?

Norwegian police is responsible for border control. See 1.25 for the description of the control at borders.

Norwegian Customs has no automated alert system for terror suspects. However, the secrecy rules allow customs officials to pass over suspicions to the police. We will also like to mention that weapons are strictly regulated by law in Norway. An export or import permit has to be presented to the Customs authorities upon all importation and exportation of weapons. When the Customs Authorities find illegal weapons, the weapons are seized and the case is handed over to the police for further investigation.

1.19

Does Norway have any immigration database systems or integrated electronic customs network?

- *Do your internal systems for the granting of motor vehicle, business and other licenses connect to the terrorist alert system?*
- *Does Norway promote routine and technical training for customs officers in order to prevent the movement of terrorists or terrorist groups?*

The Norwegian Immigration Authorities uses an immigration database system (DUF). However, this is not integrated within the Customs' network.

Norwegian Customs has no such databases. The Norwegian Customs' main focus is to prevent illegal movement of goods and persons carrying these goods. Preventing movement of terrorists or terrorists groups is not considered to be within the jurisdiction of the Customs Authorities, except for standard awareness.

Immigration Controls

1.20

With regard to the effective implementation of paragraph 2 (c) and (g) of the resolution, does Norway computerize its immigrations records? Are asylum seekers included in these records? If so, what measures have been taken to prevent the information from being accidentally shared with authorities from the asylum seekers' countries of origin?

All immigrants, including asylum seekers, are registered in the Norwegian computer system for processing immigration and refugee applications. This database, and any system communicating with the database, is secured in accordance with national legislation i.e. the Personal Data Act, implementing the EU Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data, in Norwegian law. In addition, a declaration of confidentiality is signed by all caseworkers. All systems communicating with the database are located in Norway. In accordance with the Regulation on the Visa Information System, the Norwegian Directorate of Immigration is developing a new system for use by Norwegian foreign missions in the processing of visa applications. This new system will communicate with the immigrant database. There will be two different profiles for accessing the system: one for authorized personnel (mostly Norwegian government officials) and one for other personnel (for the most part locally employed personnel in Norwegian foreign service missions), who will only be granted limited access to information, such as the person's name, date of birth, place of birth, relatives, and sponsor in Norway. A strict policy for the use of this system will be implemented and enforced. All users will have to be approved by the Norwegian Ministry of Foreign Affairs prior to being granted access to the system.

1.21

Are the locations of asylum seekers in Norway monitored? If so, is the information compiled at the local or the national level? Is the information obtained shared with the Office of the United Nations High Commissioner for Refugees (UNHCR)?

The Norwegian Directorate of Immigration does not monitor the location of asylum seekers, unless they choose to stay in an asylum reception center, which they normally do.

1.22

Within the context of effective implementation of paragraph 3 (g) of the resolution, please indicate whether Norway has excluded any asylum seekers under article 1 (F) or expelled any refugees under articles 32 or 33 (2) of the 1951 Convention relating to the Status of Refugees, on the grounds that the person in question has committed an act of terrorism. If so, what is the current status of these persons? On what basis was the requisite standard of proof met? Have specialized exclusion units been created in order to ensure that cases under article 1 (F) are dealt with in an expeditious manner?

A small number of persons have been excluded from refugee status on the grounds that the persons have committed an act of terrorism. In these few cases, the required standard of proof were met by detailed information collected regarding the persons in question. This information was collected through interviews with the asylum seeker, by Norwegian Foreign Missions, the Norwegian Police Security Service (PST) and through other sources of information.

Considering that many of these persons are protected against refoulement by various human rights instruments that Norway is party to, such as the European Convention on Human Rights, these persons have been given temporary leave to stay.

There is no specialized exclusion unit in the Norwegian Directorate of Immigration. However, proper care is being taken in the handling of such cases by the designation of specialized caseworkers in the various asylum units. These caseworkers are specialists both in exclusion issues and in country of origin, asylum issues.

1.23

In order to prevent the fraudulent use of identity documents by terrorists pursuant to paragraph 1 (g) of the resolution, please indicate whether Norway permits legal name changes without residency. If so, is some form of verification performed, such as fingerprinting or photographing such individuals in their old identity?

According to the Norwegian Name Act of 7 June 2002 Section 14, a person who is registered as a resident in the National Population Register and intends to stay in Norway on a permanent basis (domicile) may apply for a legal name change.

It is not required that the person intends to stay in Norway forever. However, the intent must be a stay of a more permanent character. In deciding the intent, both the subjective intention of the applicant and the objective evaluation of his/her situation will be taken into consideration.

For example, a person will not be considered to have domicile in Norway if the stay is limited to a specific assignment of a temporary nature. This will also be the situation if the person has work and residence permit for a limited period of time and cannot expect it to be extended.

Norway does not permit legal name changes without residency, unless the applicant is a Norwegian national who does not have domicile in Norway, and the country in which the person has domicile refuses to consider an application because the person is not a national of that country.

If an applicant for residence permit in Norway changes the information given to the authorities about his/her name during the application period, this will be taken into consideration when a decision is made in the case concerning the residence permit. The applicant has to document his her name/identity sufficiently. After a decision is made, the new identity in general has to be documented by original and verified documents.

1.24

What steps are taken to verify applicants ' identity prior to the issuance of identity documents?

The main principle is that the applicant has the burden of proof to establish his/her identity. The Norwegian Immigration Act states that the applicant has a duty to cooperate in clarifying his/her identity to the extent that is required. The legislation relating to immigration has several provisions showing that it is important to know the identity of a foreigner.

The National Police Immigration Service carries out extensive investigation on identity of asylum seekers prior to issuance of identity documents. This includes routine searches on fingerprints in the Eurodac system.

Security and control of personal and travel documents

1.25

In the context of implementation of paragraph 2 (g) of the resolution, is there a method for communicating alerts for wanted or suspected terrorists to immigration authorities at various points of entry? Does this method include International Criminal Police Organization (Interpol) Red Notices (for arrest) and Blue Notices (for location)? If so how is this done?

In Norway, the customs authorities conduct the control of inbound goods. The control of inbound persons and the initial handling of asylum seekers, however, is conducted by the police.

The method for communicating alerts for wanted or suspected terrorists to immigration authorities (including the immigration police) is to register a person as wanted in the national police list of wanted persons or as suspected in the national police intelligence database.

All the systems will be controlled by the immigration authorities (immigration police) when a person seeks asylum, or it will be detected if the person is controlled by the police and he does not have proper travelling documents / identity documents / visa for his stay in Norway.

The Norwegian Police Security Service (PST) will share information with the police (incl. immigration police) on such persons, as far as this is not in conflict with the necessary protection of the source of the information or of other operational aspects.

The police at all Norwegian border crossing points has access to the Schengen Information System and will within April 2006 have online access to Interpol alerts via I 24/7. Thereby all Interpol Red Notices and Blue Notices are communicated to our border crossing points.

1.26

Do you have a register for reports of lost and stolen personal and travel documents? Do you exchange this information with other States on a regular basis?

Reports on stolen and lost personal and travel documents are registered in the Schengen Information System. The National Police Computing and Material Service (PDMT) is currently working on a technical solution for automatic transmission of information on stolen and lost passports to Interpol

databases. This system will be implemented shortly. Through these international databases this information is exchanged with other states on a regular basis.

Aviation security

1.27

On page 13 of its fourth report, Norway indicates that once Regulations (EC) 2320/2002 and 622/2003 have been implemented, Norway will be in full compliance with International Civil Aviation Organization (ICAO) Annex 17 standards and recommendations. Please confirm whether implementation of these Regulations has taken place.

The EU Regulations concerning aviation security (EC) no. 2320/2002[1], 622/2003, 1217/2003, 1486/2003, 1138/2004, 849/2004, 68/2004, 781/2005 and 857/2005 have been implemented into Norwegian law – (ref. Regulation 30 April 2004 no. 715 on preventing of unlawful acts against security). (Annex 17 provides only for the minimum standards to ensure the security of civil aviation.)

1.28

Does Norway intend to make contributions to the ICAO Plan of Action to strengthen aviation security, including security audits, urgent assistance to States, provision of training courses and of a range of guidance material, and various other projects?

Norway has earlier made a small contribution to ICAO's Security Plan of Action, but has for the time being not allocated funds for additional contributions.

2. Assistance and guidance

2.1

The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolution.

2.2

The Committee's Directory of Assistance (www.un.org/sclctc) is frequently updated to include new relevant information on available assistance. The Committee would appreciate receiving information from Norway concerning areas where it might be in a position to provide assistance to other States in relation to the implementation of the resolution.

Norway has assisted both the African Union (AU) and the Southern African Development Community (SADC) in implementing UN resolution 1373. Currently, Norway is financing a three-year (2004-2006) € 2,5 million program with the Institute for Security Studies (ISS) in South Africa on anti-terrorism, corruption, organized crime and money laundering in the SADC area. In 2002 Norway contributed NOK 4.5 million to the African Union to assist its member countries in implementing UN Security Resolution 1373. The Norwegian government is in general prepared to assist other countries in their implementation of res. 1373, and continuously assesses what activities it can support in this regard.

[1] The Framework Regulation.

2.3

The Committee wishes to maintain and develop the constructive dialogue that is already established with Norway in relation to this priority area. If Norway feels that it could benefit from discussing aspects of the implementation of the resolution with the Committee's experts, it is welcome to contact them as mentioned in paragraph 3.1 below.

3. Further guidance and submission of future reports

3.1

The Committee wishes to maintain the constructive dialogue it has established with Norway in relation to measures it is taking to implement the resolution, in particular with regard to the areas identified in this letter as a priority. The Committee and its Executive Director stand ready to provide further clarification to Norway on any of the matters raised in this letter. The Executive Director can be contacted through Ms. Elena Rigacci Hay (telephone: +1 212457 1733; fax: +1 2124574041; email: cted@un.org). In addition, the Committee, through its Executive Directorate, may contact Norway' s competent authorities to discuss any further matters related to the implementation of the resolution.

3.2

The Committee would be grateful to receive from Norway further information on the questions and comments raised in Section I of this letter on 'implementation measures' by 23 January 2005. Moreover, the Committee would be grateful if Norway would provide it with an update on assistance it has provided or received, or is in the process of providing or receiving, including on whether such assistance has satisfied, or is expected to satisfy, Norway's needs related to the resolution. As with previous reports, it is the intention of the Committee to circulate the further report as a document of the Security Council. It is open to Norway, if desired, to submit a confidential annex to the report for the attention of the Committee and its Executive Directorate alone.

Norway has not received any formal assistance in its implementation of UN Security Resolution 1373.

3.3

The Committee may, in a future stage of its work, have further comments or questions for Norway arising from other aspects of the resolution. It would be grateful to be kept informed of all relevant developments regarding the implementation of the resolution by Norway.